

**SUMMARY
OF
CURRENT DISTRICT ACTIVITIES
AND
DISTRICT PLAN**

**Heartland Pro Bono Council
District 8
June 2001**

Goal #1: To provide intake, screening, and referral of indigent clients
[Rule 6.5(h)(2)(i)]

Objective (a): Single 800 number for district staffed by attorneys

Status: Agreement with Information and Referral Network (United Way agency), payment made to set-up, finalizing design with other providers

Complete/Implement: July 2001

Change/Improve: Initially, calls will be taken by Plan Administrator to allow for community awareness and training before placing volunteers

Objective (b): Each bar assoc. should ensure a method of intake

Status: Each bar assoc. has submitted a subplan to utilize 800 number, own intake, or partnership with provider¹

Complete/Implement: Immediate

Change/Improve: None

Objective (c): Clients shall be matched with atty/specialized panel

Status: Awaiting recruitment

Complete/Implement: September 2001

Change/Improve: Enlarge opportunities to serve by adding mediation for family law cases, protective order advocacy, and others from Rule 6.5 (i).

¹ Subplans are included in District 8's Report and Plan submitted in July 2000

Goal # 2: To recruit attorneys for pro bono service, match cases with individual attorney expertise, and establish specialized panels
[Rule 6.5(h)(2)(ii)]

Objective (a): Judges and bar assoc. shall publicly support pro bono service, including a uniform standard for commitment, and providing many ways to participate

Status: -Marion County civil judges have adopted resolution supporting pro bono recruitment and service

-Marion County judges adopted the Marion County Judicial Pro Bono Panel to appoint participating attorneys²

-Indpls Bar Assoc. Board of Governors conducted Task Force and established definition of pro bono service for volunteer attorneys (submitted in its subplan) as 20 hours a year or 2 cases³

-Recruiting form developed for district attorneys to provide for wide range of opportunities to volunteer for pro bono service, including providers⁴

Complete/Implement: Immediate

Change/Improve: None

Objective (b): Pro bono coordinator in each law firm and corporate counsel to direct recruitment

Status: -Letter sent to all firms and attorneys in March 2001⁵

² See appendix (a) for letter, referral form and list of volunteer attys

³ Task force material and pro bono definitions are included in District 8's Reports submitted in July 1999 and July 2000.

⁴ See appendix (b) for draft Recruiting Form

⁵ See appendix (c) for letters referenced under this objective

- Judge Dreyer has visited 10 largest firms, so far, to establish coordinator and distribute plan*
- US Attys Office was persuaded to enact 96 directive for government attys in district (24 attys)*
- Corporate counsel committee to be chaired by David Herzog, general counsel for Conseco*

Complete/implement: Immediate

Change/Improve: -Obtain model law firm pro bono participation plans
-recruit additional corporate counsel from Eli Lilly, Emmis, Guidant, and others
-confirm participation from Attorney General and State gov. attys for monthly "Day of Service" for pro bono participation

Objective (c): Form specialized panels directly from recruitment

Status: Have recruited approximately 100 attys so far through Judicial Pro Bono Panel, and county subplans; goal to recruit 300 attys and refer 300 cases by end of 2001; awaiting further recruitment in entire district

Complete/Implement: Immediate (July - December 2001)

Change/Improve: Recruit 600 attys and refer 600 cases by July 1 2002, to match 10% level of commitment in accordance with ABA Center for Pro Bono standard

Goal # 3: To provide resources for litigation and out-of-pocket expenses [Rule 6.5(h)(2)(iii)]

Objective (a): Solicit large law firms and corporate counsel to donate litigation and out-of-pocket expenses

Status: Law firms visited by Judge Dreyer, and corporate counsel committee have agreed

Complete/Implement: Immediate

Change/Improve: None

Objective (b): Request donations of service from support, organizations like court reporters, expert witnesses, etc.

Status: To be done/awaiting recruitment

Complete/Implement: Fall 2001

Change/Improve: None

Objective (c): Establish reimbursement fund through Indpls Bar Foundation

Status: \$5000 from last year's budget established reimbursement fund with Foundation, the fiscal agent for District 8 IOLTA monies

Complete/Implement: Immediate

Change/Improve: Increase fund to \$15,000, using goal of 600 new cases @ \$250 per case by July 2002

Goal # 4: To provide legal education and training for pro bono attorneys [Rule 6.5(h)(2)(iv)]

Objective (a): Plan trainings with ICLEF, law school, providers, bar, assn's and specialized panels of pro bono attys

Status: Law School and providers have committed to host and conduct one training by end of 2001; still need ICLEF approval

Complete/Implement: Fall 2001

Change/Improve: Ensure that provider staff attys are committed as part of their pro bono commitment

Objective (b): Solicit financial support for training

Status: Indianapolis Foundation previously donated \$2500 for outreach and education; still awaiting commitments from other funders

Complete/Implement: January 2002

Change/Improve: None

Objective (c): Conduct 2 trainings a year

Status: Have one training planned, conducted with LSO attys, at the Law School, before end of 2001.

Complete/Implement: Fall 2001

Change/Improve: None

Goal # 5: To provide opportunities for pro bono attorneys to consult with other attorneys with expertise in the relevant subject area of the referral [Rule 6.5(h)(2)(v)]

Objective (a): Specialized “co-counsel” panels formed at time of attorney recruitment

Status: awaiting recruitment

Complete/Implement: Fall 2001

Change/Improve: None

Objective (b): Provider staff attorneys at LSO, Legal Aid, etc., shall also serve on “co-counsel” panels as part of their pro bono commitment

Status: awaiting recruitment

Complete/Implement: Fall 2001

Change/Improve: None

Goal # 6: To provide malpractice insurance for volunteer lawyers
[Rule 6.5(h)(2)(vi)]

Objective (a): Coverage through bar assn's and provider policies

Status: Quotes obtained for polices and riders, in \$1500-\$2500 range; ready to purchase with budgeted monies

Complete/Implement: Immediate

Change/Improve: Policy will be easier to manage if purchased for District Committee itself. Volunteers will be insured through District policy, attys own individual policy, or existing provider riders, (if atty volunteers specifically for an individual provider's case referrals)

Objective (b): All pro bono volunteers shall be deemed volunteers for whatever entity can provide coverage

Status: DELETED at this time – see above

Goal # 7: To establish procedures to ensure monitoring and follow-up for assigned cases and measure client satisfaction [Rule 6.5(h)(2)(vi)]

Objective (a): Use existing monitoring forms and procedures to determine if lawyer accepted client, number of hours on case, and general subject matter

Status: Forms are gathered and readily available to Plan Administrator at employer/provider LSO; awaiting further recruitment/referral to commence follow-up procedures

Complete/Implement: Immediate

Change/Improve: None

Objective (b): Use existing client satisfaction forms to determine whether client was pleased with services rendered

Status: Questionnaires are ready for use by Plan Administrator with employer/provider LSO: awaiting further case referral for follow-up

Complete/Implement: Immediate

Change/Improve: None

Objective (c): District Committee shall compile all statistics regarding services rendered and client satisfaction

Status: Plan Administrator and Information and Referral Network are ready to collect data

Complete/Implement: Immediate

Change/Improve: None

Goal #8: To recognize pro bono civil legal service by lawyers
[Rule 6.5(h)(2)(viii)]

Objective (a): Judges and bar assn's shall conduct regular public event to award individual attys, and others for service

Status: First pro bono award to an individual attorney was given at Indpls Bar Foundation dinner in October 2000. Also recognized the Marion County Bar Assn for its long service

Complete/Implement: Immediate

Change/Improve: Move forward on the plan by Indpls Bar Assn subplan to recognize attys⁶

⁶ See appendix (d) for Recognition Subcommittee report

Objective (b): All volunteer attorneys shall be thanked by judges, bar assn and/or district committee by letter and public recognition and preferential case assignment

Status: Judges have thanked 41 attys who signed up for judicial pro bono panel; awaiting further recruitment

Complete/Implement: Fall 2001

Change/improve: plan a ceremonial court session with all judges to recognize attys and award special achievement

Goal #9: To provide other support and assistance to pro bono lawyers [Rule 6.5 (h)(2)(ix)]

Objective (a): Law School shall form agreement with district committee to provide law students for volunteer lawyers through funded efforts of Pro Bono Coordinator

Status: Agreement in place, \$5000 from budgeted monies paid towards Coordinator position

Complete/Implement: Immediate

Change/Improve: Increase budgeted amount to \$14,000 for 02

Objective (b): Marion County Law Library shall afford free access to computer and library space for pro bono research to volunteer attys

Status: In place; awaiting further recruitment

Complete/Implement: Immediate

Change/Improve: Add pro se forms and other components in accordance with evolving State-wide pro se task force

2001 ANNUAL REPORT

**Heartland Pro Bono Council
District 8
June 2001**

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PLAN ADMINISTRATOR

Laurie Beltz Boyd began work as the Plan Administrator for District 8 on June 1, 2001. Under an agreement with the fiscal agent, Indianapolis Bar Foundation, the Plan Administrator is housed and employed at Legal Services of Indiana, Inc. in its Indianapolis office. The funds to implement the Plan are granted from the Foundation to Legal Services or to whomever the district committee directs.

Ms. Boyd has been a practicing attorney since 1979, and has distinguished herself in public service, as well as private practice. She has also served as a long-time pro bono volunteer lawyer for a District 8 provider, Mapleton-Fall Creek Christian Legal Clinic. Her family includes two children and a husband who is a partner at a large law firm.

The immediate duties of the Plan Administrator include the development of the 800 number and recruiting procedures, case referral, publicity, and all other support tasks delineated under plan, including the updated changes and improvements. The long-term duties will include the support of the district committee, maintaining the case reporting system, and working to update the plan under the direction of the district committee.

The source of the salary of the Plan Administrator is the budgeted IOLTA money through the district committee.

PRIOR YEAR PROGRESS

Since the Report of June 2000, the following has been accomplished:

- A toll-free 800 number is scheduled to start in July 2001 under an agreement with the Information and Referral Network, a long-time United Way agency that provides public phone referral for social services and other general information.
- 2 new pro bono projects have been developed:

- Protective Order Project of Greater Indianapolis: planned with the Domestic Violence Network of Greater Indianapolis, with support from the Heartland Pro Bono Council and Indianapolis Bar Association, the project has raised early money from the Indianapolis Bar Foundation, and the DeHaan Foundation. It also will link with a similar effort in Hamilton County with Prevail, Inc., a local domestic violence advocacy organization (see appendix for budget request).
 - Marion County Family Law Mediation Project: under Marion County Civil Division Rule 16.3 (C) (3), “all mediators maintained on the Court’s approved Civil and Domestic Mediation list shall, upon request from any judge of this Court, serve as a pro bono mediator for at least one (1) case per calendar year.” Accordingly, local bar mediation leaders, most notably John Van Winkle, have agreed to help promote the recruitment of all mediators to mediate family law cases on a regular basis. In addition, the Marion County Judges have agreed to initiate a formal system of appointment, under the local rule, to ensure participation by listed mediators.
- Marion County judges initiated the Marion County Pro Bono Judicial Panel to recruit volunteer lawyers to accept direct pro bono appointments under I.C. 34-10-1-1. 41 lawyers have signed up so far. About a dozen cases have been referred.
 - Marion County civil judges adopted a resolution to support the recruitment and recognition of pro bono attorneys
 - A district-wide recruiting form has been developed to show the various ways in which an attorney can volunteer for pro bono service (see appendix b).
 - District chair, Judge Dreyer, sent a letter to all firms and over 1000 other select attorneys advising them of Rule 6.5, the district plan, and upcoming recruiting. Judge Dreyer has visited 10 large firms to distribute the plan, promote participation, and encourage the selection of a firm contact, as prescribed under the Plan (see appendix e for letter sample).
 - U.S. Attorneys Office for Southern District was recruited to adhere to 1996 Justice Department directive requiring all US Attorneys to provide pro bono service, as prescribed under the Plan. This will enable the district to call upon 50-80 federal attorneys (see appendix c for compliance letter).

- A corporate counsel committee has been formed under the leadership of David Herzog, general counsel for Conseco, to facilitate recruitment of corporate attorneys at Eli Lilly, Emmis, Guidant, Thomsen and other large corporations in the district

- Over 150 attorneys have been recruited so far, excluding mediators, U.S Attorneys, the providers’ own attorney referral panels, and special projects not related to case referral (Ask A Lawyer, Legal Line, etc.):

-Marion County Judicial Pro Bono Panel:	41
-Protective Order Project:	16
-Shelby County Bar Association	30 (approx.)
-Hamilton County Bar Association	100 (approx)
-Miscellaneous	10 (approx)

- Approximately 424 or more other attorneys are engaged to provide pro bono service as follows:

-Indianapolis Bar Association projects (Ask A Lawyer, Legal Line):	300
-U.S. Attorneys Office:	24
-Providers individual lists:	100

- Established reimbursement fund for litigation and out-of-pocket expenses by placing \$5000, as budgeted in the Plan, with fiscal agent, Indianapolis Bar Foundation. Claim forms and procedures are forthcoming, to be paid up to \$250 case for lawyers practicing in smaller/solo firms.

- Published basic brochure about pro bono and providers with grant from Indianapolis Foundation (see appendix f for copy of brochure).

- The Plan Administrator has actively arranged for technical assistance from the district as follows:

-district committee member Sheila Suess Kennedy, professor at the School of Public and Environmental Affairs at Indiana University-Purdue University at Indianapolis (IUPUI), continues to consult with the district committee on the planning process.

-a local public relations firm is being solicited to design marketing for the 800 number and general pro bono service.

- The district committee has confirmed plans to host one (1) training for new volunteer lawyers, conducted by provider staff attorneys, at the Law School facility. This should coincide with the first round of recruitment in Fall 2001.
- The district committee has arranged to maintain its own malpractice policy for all volunteer lawyers, after its own research into cost and the practicality of using provider policy riders, as well as discussion with various carriers, specifically:
 - Complete Equity Markets, Inc. (NASP Purchasing Group)
 - CIMA Companies/CIMA Liability Program for Legal Services and Public Defender Professionals
- The Plan Administrator has researched two viable computer programs for case reporting purposes and client satisfaction, Oracle and the Kemps program. In the meantime, the traditional paper forms employed by Legal Services will be utilized for Lawyer Referral, Case Update, and Client Survey.
- District committee paid \$5000 to the Law School, according to its budget under the Plan, to support the Law School Pro Bono Coordinator position.
- The first pro bono award to an individual attorney was given at the Indianapolis Bar Foundation annual dinner in October 2000. The Marion County Bar Association was also recognized for its long-standing pro bono referral program

IOLTA ACCOUNTING

JANUARY 1, 2001 – JUNE 30, 2001

IOLTA Revenue \$41,708

Expenses	5000	Law School Pro Bono Coordinator
	2750	June salary for Plan Administrator
	1500	Payment to Information and Referral Network for phone start-up
	500	Judge Dreyer's letter(printing, postage)
	1000	Misc. (advertising, accounting, overhead)
Balance June 30, 2001	\$30,958	

MONITORING METHODS

Pending further recruitment, the district committee has the following monitoring methods available:

Traditional paper tracking: Legal Services, as the employer of the Plan Administrator, has made its case reporting forms and procedures adaptable for use by the Plan Administrator in conjunction with any of the methods.

Information and Referral Network: The 800 calls will be tracked by the agency in which the phone is being housed, and the volunteer attorneys, with traditional paper forms and records, including number of calls and number of referrals, all supervised by Plan Administrator.

Provider Records: Each provider will compile its own records from referrals made, after district wide recruitment takes place.

In addition, the Plan Administrator is currently researching the use of two computer systems, Oracle and the Kemps program, with assistance from Indiana Legal Services, Inc.

EXISTING SERVICES, PROGRAMS, AND FUNDING SOURCES

Existing legal services for the community: see attached provider forms

Other resources in the community for funding and support:

District 8 has a large number of community foundations, most notably the Indianapolis Foundation, as well as the main office for the Lilly Endowment.

However, these entities have rarely funded pro bono service projects. District 8 attorneys accounted for almost 40% of all IOLTA revenue in 2000, so there is a promising financial base among the legal community, if necessary.

There are a number of homeless shelters, domestic violence shelters, churches, libraries, etc., that are appropriate for participation as the recruitment grows and the Plan can properly expand. At the present time, the priority is immediate recruitment and centralized intake for case referral. Outreach to targeted populations can only be designed with adequate funds, from IOLTA or elsewhere.

CURRENT PRO BONO LEGAL SERVICE DELIVERY SYSTEM

In the absence of the Plan, and efforts taken over the last year or more by the district committee and Plan Administrator, the current pro bono delivery

system consists of the providers, acting separately, and ad hoc efforts by various bar associations outside of Marion County, most notably Hancock County.

Clients in Marion County are identified and screened primarily by the providers over the phone. In other counties, it is less accessible, and referral by courts is more common. However, the lists of volunteer attorneys are only randomly maintained by each provider, and the smaller counties in the district generally have no lists, but rather depend on local bar association membership. If any referrals are made to pro bono attorneys by a provider or through a local bar association, general records may be kept, although they are often inconsistent and inconclusive.

There is no method to reimburse litigation expenses and out-of-pocket costs. There is no formal method for mentoring and consultation. There is no malpractice insurance available to pro bono attorneys outside of provider policy riders for each of the volunteer lists they maintain.

Recognition is sporadic from the Indianapolis Bar Association and its Foundation.

ANNUAL PLAN 2001

HEARTLAND PRO BONO COUNCIL District 8 June 2001

STATEMENT OF PROBLEMS AND BARRIERS

Overall, District 8 presents a large number of barriers and problems to low-income people seeking access to the legal system. The district committee has worked over the last 3 years to simply identify and design the most expeditious methods to easily get clients of limited means referred to volunteer lawyers on a regular basis.

At the same time, District 8 has had an enormous amount of logistical issues to consider because of its sheer size and obvious need. The initial reports and plans in 1999 and 2000 show a great deal of work and data research by the

district committee, and others, upon which to build a foundation strong enough to withstand the challenges from such an acutely impoverished district.

Presently, it is best to summarize these problems in the following 3 general areas. They only represent the greater number of issues that the District Committee, the Plan Administrator, and the Presiding Chair address on a regular basis as the Plan develops and expands in this extremely complex and diverse area.

Problem statement #1: The unmet need for pro bono legal services may always outweigh the available resources for case referral

DATA:

- Under 1990 Census, District 8 has highest percentage of persons under the poverty level in Indiana, 22.8%, and the largest number, approximately 120,000.
- United Way of Central Indiana 1992 state-wide study found 450,000 cases of poor people each year that are not addressed. District 8's pro rata share of that unmet need may equal 102,600 cases or more each year.
- Major providers in the district report number of rejected income-eligible cases to be 10,000-15,000 each year in Marion County alone
- Under 2000 Census, Marion County alone now consists of at least 6 measurable ethnic groups, and the non-white population is approximately 30% of the total, roughly equal to Lake County
- Under 2000 Census, the Hispanic population in Marion County alone increased by 57.6%
- Under study by the ABA Center for Pro Bono, the average participation rate for lawyers in pro bono service is 10%-20%.
- If every licensed lawyer in District 8 (approx. 6000) took 2 cases per year (ABA Model Standard), it would equal 12,000 cases a year and approach the minimal unmet estimate from the providers. However, if the unmet need is larger, and the participation rate of lawyers follows the national average (10%) initially, then the traditional case referral system will only account for a small percentage of the need.

RECOMMENDED ACTION:

Using the resources of the bar and district committee, especially the technical assistance of the Law School and SPEA/IUPUI, further research and planning should be undertaken to strategically plan and implement a comprehensive program of legal education, mediation, and general preventative measures for the targeted low-income population in each ethnic group.

These new measures should include written materials, seminars, pro se material and procedures, and other non-case related steps, all of which can be conducted by participating pro bono attorneys and law students.

In addition, a model “family negotiation center” should be developed for domestic related issues, the largest unmet need among poor people, which can advise and direct pro se assistance, as well as mediate uncontested divorces. If the model is successful, then it can be expanded to the appropriate areas in the district, operated by the pro bono attorneys.

COORDINATION WITH COMMUNITY:

It may enlarge all pro bono providers into trainers for priority problems in its client base. It will allow the district committee, and its partners to expand its efforts to community centers, and other social service providers.

EXPECTED RESULTS:

It should never replace case referral as the primary purpose of the Plan, but it may reduce the large number of cases counted as the unmet need.

COSTS: Unknown

Problem statement #2: There is a large number of entrenched providers and county bar associations

DATA:

- There are 6 providers, 2 of whom provide the same general service, due to historically diverse political interests. Each provider has its own method of recruiting pro bono attorneys and utilizing them. Record-keeping is also different for each.
- There are 8 county bar associations, some of whom are against pro bono participation, some of whom assist only on behalf of its dues-paying members, some of whom have their own programs, and some of whom commit every lawyer practicing in their county to support the effort. Overall, the culture of pro bono service is evident, but in a variety of ways that do not necessarily work smoothly in a comprehensive plan.

- There is no simple, seamless way for an indigent client to find help, and in many rural areas of the district, no way at all.

RECOMMENDED ACTION:

The **800 number** will raise the level of access to clients all over the district. It should be expanded and eventually consolidated with the providers into a unitary intake and referral system. Until that time, it will be connected to the providers as back up only.

Over the long term, **the providers, Law School, United Way and related community planners/funders, and the Indianapolis Bar Association** must be the main partners to develop the implementation of the District 8 Plan, regardless of historical circumstances. Specifically, **district wide recruiting** and referral may avoid various issues surrounding roles and responsibility. The county bar associations may be supplanted in the effort, or may become partners, as participation grows.

COMMUNITY COORDINATION:

The future planning by the district committee should be led primarily by the main partners above, with formal technical assistance. The Law School and SPEA/IUPUI should take the lead, to identify the next steps in keeping the planning process consistent with the ongoing effort under the Plan.

EXPECTED RESULTS:

There should be a larger ownership in the Plan among the partners, a greater awareness among the clients and lawyers, and less entrenchment among providers and bar associations regarding pro bono service.

COSTS: None. It will be part of the service afforded to the district committee by the partners.

Problem statement #3: Lawyers will only take cases in their own county, and clients from their own county.

DATA:

- Local Marion County court officials estimate that 5-10% of all civil cases involve clients from another county, and that 25% of all pro se clients are indigent from another county.
- Judges in the district have indicated that there are a number of clients in their courts from other counties and pro bono lawyers will not serve them.
- Some bar association subplans specify that pro bono service is only provided to residents of their county in the local courts.
- Attorney comment to the district committee indicates that attorneys have preferences regarding counties in which they will practice, or not.

RECOMMENDED ACTION:

The district wide recruiting effort should solicit volunteers for a “Riding Circuit Service,” in which the volunteer will accept from other counties, or specific counties they prefer.

COMMUNITY COORDINATION: None necessary

COST: None

LIST OF APPENDICES

- a. Marion County Judicial Pro Bono Panel letter, referral form, and list of volunteer attorneys**
- b. Draft Recruiting Form**
- c. U.S. Attorney letter regarding pro bono compliance**
- d. IBA Recognition Subcommittee report**
- e. Provider brochure**
- f. Proposal to continue support for Law School Pro Bono Coordinator**
- g. Proposal to support Protective Order Project of Greater Indianapolis**
- h. Report of Indianapolis Bar Association**